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10 **UNITED STATES DISTRICT COURT**  
11 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
12 **SAN FRANCISCO DIVISION**

13 GOOGLE LLC,

14 Plaintiff,

15 v.

16 ECOFACTOR, INC.,

17 Defendant.

Case No. 3:21-cv-03220-HSG

18 **RE-NOTICE OF MOTION TO**  
19 **MOTION FOR JUDGMENT ON THE**  
20 **PLEADINGS PURSUANT TO**  
21 **FED. R. CIV. P. 12(c)**

22 **JURY DEMAND**

23 Date: April 14, 2022

24 Time: 2:00PM

25 Courtroom: Courtroom 2 – 4th Floor

26 Judge: Hon. Haywood S. Gilliam.

**NOTICE OF MOTION**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on April 14, 2022 at 2:00 p.m. or as soon thereafter as the matter may be heard by the Honorable Haywood S. Gilliam in Courtroom 2, 4th Floor, United States District Court for the Northern District of California, 450 Golden Gate Avenue, San Francisco, CA 94102, in accordance with Local Rule 7-2, Plaintiff Google, LLC (“Google”) hereby moves the Court for an order on the judgment on the pleadings. This Motion is based on Dkt. No. 41 Memorandum and Points of Authorities, the pleadings on file in this action, matters of which the Court may take judicial notice, and upon any and such further argument and evidence as the Court may permit. The parties met and conferred on November 17, 2021 to discuss the patent eligibility of the patents-in-suit and this motion’s impact on the current Scheduling Order. *See* Dkt. No. 38 (Joint Report on Request for Status Conference by Google LLC). The Court issued an Order on November 22, 2021, stating it would consider the potential impact of Google’s motion under 35 U.S.C. § 101 (“§ 101 Motion”) upon filing and subsequently set a hearing date of April 14, 2022 for the § 101 Motion. *See* Dkt. Nos. 39, 42. On February 16, 2022, the Court reassigned the above-captioned case to the Honorable James Donato, vacating the April 14, 2022 hearing date for the § 101 Motion (*see* Dkt. No. 55) before reassigning the case to the Honorable Haywood S. Gilliam on February 25, 2022 (*see* Dkt. No. 57). The Court’s order of February 28, 2022 reinstated the claim construction scheduling order previously entered on January 10, 2022. *See* Dkt. Nos. 47, 58. Google now respectfully re-notices the § 101 Motion hearing.

**STATEMENT OF RELIEF REQUESTED**

Pursuant to Rule 12(c) of the Federal Rules of Civil Procedure, Google requests that this Court enter judgment on the pleadings that the claims of U.S. Patent Nos. 8,740,100 (“the ’100 patent”); 8,751,186 (“the ’186 patent”); 9,194,597 (“the ’597 patent”); and 10,584,890 (“the ’890 patent”) (collectively, the “Asserted Patents”) are invalid for failure to recite patent-eligible subject matter under 35 U.S.C. § 101.

Dated: March 2, 2022

Respectfully submitted,

By: /s/ Bijal V. Vakil  
Bijal V. Vakil

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Counsel for Google LLC

**CERTIFICATE OF SERVICE**

I am employed in the County of Santa Clara, State of California. I am over the age of 18 and am not a party to the within action. My business address is 550 High Street, Palo Alto, California 94301.

On March 2, 2022, I caused the foregoing documents described as:

- **RE-NOTICE OF MOTION FOR JUDGMENT ON THE PLEADINGS PURSUANT TO FED. R. CIV. P. 12(c)**

to be served on EcoFactor electronically via the Allen & Overy LLP email system at the email address set forth below:

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I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on March 2, 2022, at Palo Alto, California.

/s/ Bijal V. Vakil  
Bijal V. Vakil